

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER

P/2107-261

APPLICATION NO. (If known, see 37 CFR 1.5)

DT02 PCT/PTO 19 JAN 2005

10/521891

INTERNATIONAL APPLICATION NO.

PCT/EP2003/007902

INTERNATIONAL FILING DATE

19 July 2003 (14.07.03)

PRIORITY DATE CLAIMED

19 July 2002 (19.07.02)

## TITLE OF INVENTION

**ISOMALTULOSE-CONTAINING INSTANT BEVERAGE POWDER**

APPLICANT(S) FOR DO/EO/US

**Tillmann DÖRR et al.**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1.  This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2.  This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3.  This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4.  The US has been elected (Article 31).
5.  A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a.  is attached hereto (required only if not communicated by the International Bureau).
  - b.  has been communicated by the International Bureau.
  - c.  is not required, as the application was filed in the United States Receiving Office (RO/US).
6.  An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))
  - a.  is attached hereto.
  - b.  has been previously submitted under 35 U.S.C. 154(d)(4).
7.  Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a.  are attached hereto (required only if not communicated by the International Bureau).
  - b.  have been communicated by the International Bureau.
  - c.  have not been made; however, the time limit for making such amendments has NOT expired.
  - d.  have not been made and will not be made.
8.  An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9.  An Executed oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10.  An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

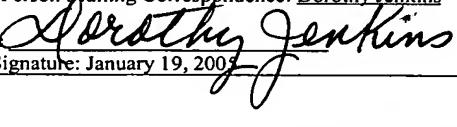
**Items 11 to 20 below concern other document(s) or information included:**

11.  An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12.  An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13.  A preliminary amendment.
14.  An Application Data Sheet under 37 CFR 1.76
15.  A substitute specification.
16.  A power of attorney and/or change of address letter.
17.  A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825.
18.  A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19.  A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
20.  Other items or information (specify): 10 sheets of drawings; EFS form; Inventor Designation Sheet; postcard; Front Sheet of the Publication, English Translation of the Front Sheet of the Publication, English Translation of the IPER and annexes

**EXPRESS MAIL CERTIFICATE**

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail Post Office to Addressee (mail label # EV 343722030US) in an envelope addressed to: Box PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on January 14, 2005:

Name of Person Mailing Correspondence: Dorothy Jenkins

Signature: 

Date of Signature: January 19, 2005

21. The following fees are submitted:

[ X] a) Basic national fee.....\$300.00  
 [ X] b) Examination fee.....\$200.00  
 [ X] c) Search fee.....\$500.00

**TOTAL OF ABOVE CALCULATIONS = \$1,000.00**

[ ] Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.

Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE
- 100 =	/50 =		x \$250.00

Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$
Total Claims	34 - 20 =	14	x \$ 50.00	\$ 700.00
Independent Claims	3 - 3 =	0	x \$200.00	\$ 000.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00	\$ 00.00

**TOTAL OF ABOVE CALCULATIONS = \$ 1,700.00**

[X] Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by  $\frac{1}{2}$ .

**SUBTOTAL = \$ 1,700.00**

Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).

+

**TOTAL NATIONAL FEE = \$ 1,700.00**

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by the appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +

\$ 00.00

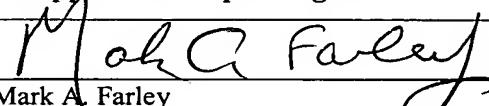
**TOTAL FEES ENCLOSED = \$ 1,700.00**

- a. [X] A check (check number 19307) in the amount \$ 1,700.00 to cover the above fees is enclosed.
- b. [ ] Please charge my Deposit Account No. 15-0700 in the amount of \$ \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. [X] The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 15-0700. A duplicate copy of this sheet is enclosed.

**NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.**

SEND ALL CORRESPONDENCE TO:

Mark A. Farley  
 Ostrolenk, Faber, Gerb & Soffen, LLP  
 1180 Avenue of the Americas  
 New York, New York 10036-8402

  
 Mark A. Farley  
 Registration Number: 33,170  
 Telephone: (212) 382-0700

January 19, 2005

**BEST AVAILABLE COPY**

10/521891  
P/2107-261  
DT01 Rec'd PCT/PTC 19 JAN 2005

INVENTORS DESIGNATION SHEET

TITLE: ISOMALTULOSE-CONTAINING INSTANT BEVERAGE POWDER

This application is a 371 of PCT/EP2003/007902 filed on July 19, 2003:

INVENTOR #1:	Tillman DÖRR
P.O. ADDRESS:	Kirchstrasse 3, 67591 Hohen-Sülzen Germany
CITIZENSHIP:	Germany
INVENTOR #2:	Lutz GUDERJAHN
P.O. ADDRESS:	Hörlestrasse 35, 67550 Worms Germany
CITIZENSHIP:	Germany
INVENTOR #3:	Thomas KEME
P.O. ADDRESS:	Bachstrasse 109, CH-5001 Aarau Switzerland
CITIZENSHIP:	Switzerland
INVENTOR #4:	Anke SENTKO
P.O. ADDRESS:	Strässlerweg 13, 77830 Bühlertal Germany
CITIZENSHIP:	Germany
INVENTOR #5:	Jörg KOWALCZYK
P.O. ADDRESS:	Franz-Schubert-Strasse 24, 67304 Eisenberg-Steinborn Germany
CITIZENSHIP:	Germany

SEND CORRESPONDENCE TO:

OSTROLENK, FABER, GERB & SOFFEN  
1180 Avenue of the Americas  
New York, New York 10036-8403

Telephone No.: 212-382-0700

Attention: Mark A. Farley  
Registration No. 33,170